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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,502	04/30/2001	David B. Colasurdo	RSW9-2001-0081-US1	2095

7590

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EXAMINER

LE, HIEU C

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/845,502

Applicant(s)

COLASURDO ET AL

Examiner

Hieu c. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites " responsive to receipt of a client request, determining to which of said server groups the client request", on line 6 and " responsive to receipt of a client request, determining to which of said server the client request," on line 11. It is not clear how whether "client request" on line 6, is the same or different from "client request" on line 11.

Claim 3 is recites the limitation "said clone identification code" in line 2. There is insufficient antecedent basis for this limitation in the claim.

As to claim 18 refer to claim 3 rejection.

***Claim Rejections - 35 U.S.C. § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2,16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lita Christian ( EP 1041496 ) in view of Dougliis et al. (2002/0007415).

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As to claim 1, Lita discloses a method of maintaining session affinity in a server farm coupled to receive client requests, said server farm comprising multiple server groups, each server group comprising multiple clone servers (Fig. 3), said method comprising the steps of:

- (1) associating a collection of related client requests with a unique session identification code [ the director associates a session identifier (unique identifier) with the session (col. 7, lines 45-46), the session represents multiple client requests (collection of related client requests) (col. 7, lines 4-7, lines 41-44), i.e the multiple client requests which forms a session are assigned a session identifier].
- (2) responsive to receipt of a client request, determining to which of said server the client request can be dispatched (col. 3, lines 1-5, col. 4, lines 36-40, col. 6, lines 47-50).
- 3) associating with said collection of requests sharing a session identification code a list of every server in said server farm that has serviced a request in said collection [ each server in the pool of servers has an associated session table that stores session identifiers of the sessions (collection of requests sharing a session identifier). The redirector has a table 57 listing each server and the session ID of the received request (col. 7, lines 52-56, Fig. 4, list 57)].

Lita further discloses dispatches each request in the session to the same server (col. 8, lines 53-55).

Lita does not disclose,

- (4) responsive to receipt of a client request, determining if said list associated

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with said collection of requests to which said request belongs includes a server identification code that matches a server identification code of a server in said determined server group; and

(5) if a match is detected, dispatching said client request to said matched server.

Douglis discloses a method and system for providing content. The request from the same client are directed to same content distribution node (server) (col. 2, Lc, lines 1-21). The requests from users are assigned session ID col. 2 [0020].

Upon receiving a subsequent user request a table is searched for an entry matching a server address (server ID code) in the table. The subsequent requests from the client are directed to that server (col. 3 [0024]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Douglis's teaching to modify Lita's method by using a table (list) that associates the request with a server address (ID code) to search for a match of the server address in order to direct all client requests during a session to the same server and load balancing to reduce time latency.

As to claim 2, Douglis further discloses wherein step (3) comprises, upon routing of a client request in a session to a server that has not previously serviced a client request in the session, adding a unique server identification code corresponding to said server to a list of server identification codes associated with said session, without deleting any other server identification codes in the list (col. 3, [0024]).

As to claim 16, refer to claim 1 rejection. Lita discloses a computer program (Fig. 1).

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As to claim 17, refer to claim 2 rejection. Lita discloses a computer program (Fig. 1).

***Allowable Subject Matter***

5. Claims 3,11,18 would be allowable if overcome the 112,2<sup>nd</sup> paragraph rejection and rejection and rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 4-10,12-15 depend from claim 3.

Claims 19-29 depend from claim 18.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (703) 306-3101. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached on (703) 305-9705. The fax phone number for this Group is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Hieu Le

  
JACK B. HARVEY  
SUPERVISORY PATENT EXAMINER